

BUREAU OF INSURANCE
BASIS STATEMENT AND SUMMARY OF COMMENTS
ADOPTION OF 02-031 C.M.R. CHAPTER 942
RATING FACTORS AND LOSS RATIO REQUIREMENTS FOR HEALTH PLANS

Superintendent of Insurance Eric Cioppa hereby adopts Chapter 942, “Rating Factors and Loss Ratio Requirements for Health Plans.” This rule implements provisions of the Insurance Code added by P.L. 2019, ch. 5, An Act To Protect Health Care Coverage for Maine Families, incorporating various requirements of the federal Affordable Care Act (ACA) into Maine law. The rule adopts a uniform “age curve” (*i.e.*, a table of age rating factors) and clarifies that standards for family rating and loss ratio calculation are interpreted by the Superintendent under Maine law in the same manner as they have been interpreted under federal law through regulations promulgated by the Centers for Medicare and Medicaid Services (CMS).

Pursuant to a Notice of Rulemaking issued on December 10, 2020. Superintendent Cioppa held a public hearing on January 20, 2021, and the public comment period was open until February 5, 2021 at 4:30 p.m.

No written comments were received, and the only comment at the hearing was a question from Kristine Ossenfort, the Senior Government Relations Director at Anthem Blue Cross and Blue Shield of Maine. Anthem noted that the age curve appended to the rule is identical to the age curve currently required by CMS pursuant to the ACA, and questioned why it was necessary to codify it through rulemaking, which would make it more difficult to change the state age curve if the federal age curve were revised in the future.

Bureau staff explained that 24-A M.R.S. § 2736-C(2)(D) expressly requires the Superintendent to “adopt rules establishing a uniform age curve that is substantially similar to the age curve in effect on January 1, 2019 under the federal Affordable Care Act.” A similar rulemaking requirement for small group age rating is set forth at 24-A M.R.S. § 2808-B(2)(D). The rule is therefore adopted as proposed.